

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

LORENZO RAINER, #121380, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             ) CIVIL ACTION NO. 2:05-CV-916-MHT  
                                  ) [WO]  
                                  )  
CAPTAIN BARRETT, et al.,    )  
                                  )  
Defendants.                   )

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

The complaint in this 42 U.S.C. § 1983 action was filed by Lorenzo Rainer (“Rainer”), a state inmate, on September 26, 2005. The court recently ascertained that Rainer no longer resided at the last address he had provided for service. The order of procedure entered in this case directs the plaintiff to inform the court immediately of any new address. *See Order of September 29, 2005 - Court Document No. 4* at 5. Since Rainer failed to comply with this directive, the court entered an order requiring that on or before March 28, 2006 he inform this court of his present address. *See Order of March 23, 2006 - Court Document No. 11*. The court specifically cautioned Rainer that failure to comply with such order would result in a recommendation that this case be dismissed. *Id.* The time allowed Rainer for filing a response has expired and he has filed nothing in response to the aforementioned order. The court therefore concludes that this case is due to be

dismissed.

## **CONCLUSION**

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to prosecute this action and his failure to comply with the orders of this court.

It is further

ORDERED that on or before April 13, 2006 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). See *Stein v. Reynolds Securities, Inc.*, 667 F.2d

33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 30<sup>th</sup> day of March, 2006.

/s/ Vanzetta Penn McPherson  
UNITED STATES MAGISTRATE JUDGE